

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

TIMOTHY SCHOFIELD,

Plaintiff,

v.

ROY HOPKINS, et al.,

Defendants.

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Case No. 2:12-CV-28 NAB

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's letter to the Court Clerk requesting copies of all of the documents in the Court file and Motion to File Response to Defendant's Motion for Summary Judgment Out of Time. [Docs. 72, 73.] Defendants Roy Hopkins and Kenneth Paris filed a response in opposition to Plaintiff's motion requesting leaving to file his response to the their summary judgment motion out of time. [Doc. 74.]

Defendants filed their Motion for Summary Judgment on November 12, 2014. [Doc. 67.] Plaintiff's response was due on December 12, 2014. [Doc. 67.] Plaintiff did not file a response. On June 10, 2015, Plaintiff requested leave to file his response to Defendant's Motion for Summary Judgment out of time. Plaintiff requested an extension until July 15, 2015. Plaintiff states that he was released from prison and then was arrested on a probation violation on October 17, 2014. Plaintiff states that he was then transferred to the Missouri Department of Corrections on November 20, 2014, where he is currently in custody. Plaintiff states that he was did not receive the Court's Order re-setting the summary judgment deadline until mid-April 2015. In response, Defendants state that Plaintiff has provided no reason "why he has waited

approximately two months to file his motion for leave to respond out of time or why he requires another month to file the response.”

The Court will grant Plaintiff’s Motion to File Response to Defendant’s Motion for Summary Judgement Out of Time. Due to Plaintiff’s change in residence several times during the pendency of the Motion for Summary Judgment, the Court will allow Plaintiff leave to file his response out of time no later than July 23, 2015 to give Plaintiff a full thirty days to respond.

The Court notes that Plaintiff did not provide the Court with a reason for his failure to promptly seek leave to file his response out of time and the Plaintiff failed to promptly notify the Clerk of his change of address, as required by the Court’s Local Rules<sup>1</sup>. In recognition of Plaintiff’s delay in seeking leave to file his response out of time and failure to keep the Court informed of his address, the Court will not grant Plaintiff any further extensions of time to file his response. Any requests for an extension of time or any request for further discovery will be summarily denied.

Next, the Court will grant in part and deny in part, Plaintiff’s motion to have copies of all of the Court documents and records previously filed in this action. The Court will direct the Clerk of Court to provide Plaintiff with pertinent documents, as outlined below. The Court will direct the Clerk of Court to provide Plaintiff with the following documents in the court record: 1, 5, 6, 14, 15, 16, 17, 27, 28, 29, 30, 34, 35, 36, 37, 42, 43, 44, 51, 56, 57, 62, 64, 65, 66, 67, 68, 69, 69-2, 69-3, 69-4, 69-5, 69-6, 69-7. The Court will order Defendant to provide Plaintiff with a copy of Document 69-1 (Exhibit A), which is a videotape. The Clerk of Court will also provide Plaintiff with a copy of the docket sheet up to and including June 23, 2015. The Court has not included any docket text orders, because they can be read in their entirety from a copy of the

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<sup>1</sup> Local Rule 2.06 requires every pro se party to “promptly notify the Clerk and all other parties to the proceedings of any change in his or her address and telephone number.” E.D.Mo. L.R. 2.06(B).

docket sheet. Further, the Court did not include routine motions for extension of time, withdrawal and entry of appearance of counsel, and waiver of service letters.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to File Response to Defendant's Motion for Summary Judgement Out of Time is **GRANTED**. [Doc. 72.]

**IT IS FURTHER ORDERED** that Plaintiff shall file his response in opposition to Defendants' Motion for Summary Judgment no later than **July 23, 2015**. No further extensions of time for discovery or to file the response in opposition will be granted.

**IT IS FURTHER ORDERED** that Defendant shall file any reply memorandum no later than **August 6, 2015**.

**IT IS FURTHER ORDERED** that Defendant shall provide Plaintiff a copy of Document 69-1, Exhibit A, no later than **July 10, 2015**.

**IT IS FURTHER ORDERED** that Plaintiff's request for a copy of all of the documents filed in this case, construed as a motion for copies, is **GRANTED in part and DENIED in part**. [Doc. 73.]

**IT IS FURTHER ORDERED** that the Clerk of Court shall provide Plaintiff with a copy of the docket sheet up to and including June 23, 2015 and the following documents: 1, 5, 6, 14, 15, 16, 27, 28, 29, 30, 34, 35, 36, 37, 42, 43, 44, 51, 56, 57, 62, 64, 65, 66, 67, 68, 69, 69-2, 69-3, 69-4, 69-5, 69-6, 69-7.

Dated this 23rd day of June, 2015.

/s/ Nannette A. Baker  
NANNETTE A. BAKER  
UNITED STATES MAGISTRATE JUDGE